IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.1496 OF 2005

Yatindra Ram Shukla ...Petitioner

Versus

1.The State of Maharashtra

2.The Superintendent,
Thane Cental Prison, Thane.

3.The Senior Inspector of Police,
CBD Belapur Police Station,
New Bombay. ...Respondents

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Mr.Arfan Sait for Petitioner.

Ms.Rajashree Gadhavi, A.P.P. for Respondents.

.....

**CORAM: A.M.KHANWILKAR, J.**

**(VACATION JUDGE)**

**JUNE 3, 2005.**

**P.C.**

1. Heard Counsel for the parties.

2. Rule. Rule made returnable forthwith, by

consent. Ms.Rajashree Gadhavi, A.P.P. waives notice for Respondents. As short question is raised and in view of the urgency, the Petition is taken up for final disposal forthwith, by consent.

3. This Petition is filed for relief of parole from 2nd June 2005 to 17th June 2005, preferably on execution of personal bond of the Petitioner/cash security of such sum as the Court may deem fit and proper.

4. Ordinarily, the Petitioner was expected to make such application to the competent Authority as per the rules. The Petitioner instead, has directly approached this Court, pointing out the urgency that his father was admitted to the hospital at 11.30 p.m. on 1st June 2005 and has expired during the night between 1st and 2nd June 2005.

5. The fact that the Petitioner’s father has expired on 2nd June 2005 at 1.20 a.m. is spelt out from the death certificate appended to the Writ Petition at Exhibit A. Besides, the Respondents

have verified that position and are satisfied with the correctness of the statement made by the Petitioner in this behalf.

6. Learned A.P.P. further submits on instructions of Mr.Y.G.Baviskar, Jailor, Thane Central Prison, that there should be no difficulty in releasing the Petitioner on parole for the reason stated in the Petition, provided, suitable condition is imposed on the Petitioner.

7. The Petitioner intends to visit Belapur while on parole and stay at his residential house at Belapur. Accordingly, this Petition succeeds with direction to the Respondent No.2, the Superintendent, Thane Central Prison, Thane to forthwith release the Petitioner on parole till 17th June 2005, on complying with such terms and conditions, as may be deemed appropriate by the Respondent No.2. In addition, the Petitioner shall report daily to the local Police Station at Belapur during the parole stay, in the evening between 5.00 p.m. to 6.00 p.m. as one of the condition for release on parole.

8. Respondent No.2 shall ensure that necessary compliance is observed to release the Petitioner on parole as far as practicable before 2.00 p.m. today, as it is stated that funeral of the Petitioner's father is slated at 3.00 p.m. today.

9. Learned A.P.P. undertakes to inform the Respondent No.2 about the contents of this order, so as to report compliance.

10. Besides, Mr.Y.G.Baviskar, Jailor, Thane Central Prison, who is present in Court, shall ensure that he will personally contact Respondent No.2 and inform the contents of the order, which has been passed in his presence in Court, to avoid any technical obstacles for compliance of the directions, in view of the reason already indicated above.

11. Rule made absolute in the above terms.

12. All concerned to act on an ordinary copy

of this order, duly authenticated by the Office.

A.M.KHANWILKAR, J.